

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI

v.

LEOTIS DELAND WILSON

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD72958
**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: October 25, 2011

Appeal From:

Pettis County Circuit Court
The Honorable Robert Lawrence Koffman, Judge

Appellate Judges:

Division Three: James E. Welsh, P.J., James M. Smart, Jr., and Joseph M. Ellis, JJ.

Attorneys:

Shaun J. Mackelprang, Jefferson City, MO, for **respondent**.

Rosalynn Koch, Columbia, MO, for **appellant**.

MISSOURI APPELLATE COURT OPINION SUMMARY

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RESPONDENT,

v.

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No. WD72958

Pettis County

Before Division Three Judges: James E. Welsh, P.J., James M. Smart, Jr., and Joseph M. Ellis, JJ.

In October 2009, police officers executed a search warrant at a residence. Once inside, the officers observed four persons in the kitchen. Leotis Wilson was seated at the kitchen table along with two other persons. The officers found crack cocaine and materials and supplies for manufacturing crack cocaine.

After his arrest, Wilson was charged with first-degree drug trafficking, possession of a controlled substance with intent to deliver, distribute and sell, and one count of unlawful transactions with a child. The jury was instructed on the trafficking charge under a theory of accomplice liability. Therefore, Wilson could be found guilty if he acted with other(s) with the common purpose of committing the offense or if he aided or encouraged other(s) in committing the offense. After deliberation, the jury returned a guilty verdict on the possession of a controlled substance charge and the first-degree trafficking charge.

On appeal, Wilson argues that the trial court erred in denying his motions for judgment of acquittal and in sentencing him on the first-degree trafficking conviction in violation of his due process rights. Specifically, he claims there was no evidence to establish that he did anything to encourage or help anyone manufacture the crack cocaine seized by police during the execution of the search warrant.

AFFIRMED.

Division Three holds: The trial court did not err in denying Wilson's motions for judgment of acquittal and in sentencing him on the first-degree trafficking conviction. Under a theory of accomplice liability for drug trafficking, the State was not required to prove that Wilson personally manufactured the crack cocaine in order to convict him. The evidence clearly established that Wilson was present at the scene of the crime, that he possessed a dealer's amount of crack cocaine and that he associated with persons involved in the drug manufacturing operation at the residence. Based on the evidence at trial, the jury could reasonably infer that Wilson intended to deliver and sell the crack cocaine, thus providing an outlet for the drug operation. This evidence was sufficient to constitute the promotion, furtherance, and

encouragement of the drug manufacturing operation, and for the jury to find that Wilson was aiding or encouraging the others in the manufacturing of the crack cocaine. The jury's verdict finding Wilson guilty as an accomplice of the crime of first-degree trafficking was supported by the evidence.

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